

Remarks

The January 27, 2006 Final office action has been reviewed and its content carefully noted. Favorable reconsideration of this case is respectfully requested. Claims 8-12 are pending in this application and are currently rejected.

Applicant has amended claim 8 to further clarify what is being claimed in the present invention. Support for these amendments may be found *inter alia* in the specification on page 5, lines 11-15 and on page 7, lines 23-28. Reconsideration of the application is respectfully requested.

Claim Rejections – 35 U.S.C. §102**US 2,356,199 to Battermann**

The Examiner has rejected claims 8-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,356,199 to Batterman (“Batterman”).

In response to the Examiner’s rejection, Applicant respectfully points out the standard for anticipation as set forth in MPEP §2131:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the ... claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

In view of the above, Applicant respectfully traverses the rejection as being improper. The claims of the present invention are not anticipated by Batterman because Batterman does not disclose each and every element as set forth in the claim 1. Battermann is directed to an improved electrical plug for joining sections of the internal conductor of a coaxial transmission

line. Col. 1, lines 1-4. As shown in Figs. 1 and 4, Battermann discloses a removable screw 16 that extends through central core 8 and is fastened to the central upper portion of body device 5. Col. 2, lines 30-33. Screw 16 is removable and therefore not permanently secured to a structure as is currently claimed in amended claim 1. Because Batterman does not disclose each and every element set forth in claim 1, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejections – 35 U.S.C. §103

US 2,356,199 to Battermann

The Examiner has rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Battermann.

Applicant respectfully traverses the Examiner's rejection as being improper in view of MPEP §2143 providing:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that a *prima facie* case of obviousness has not been set forth because the office action fails to provide any teaching or suggestion of all the limitations of amended claim 1. As discussed *supra*, Battermann discloses a removable screw 16 that extends through central core 8 and is fastened to the central upper portion of body device 5. Unlike what is presently claimed, the screw is not permanently secured to the structure as is presently claimed. Because the cited reference fails to teach or suggest all the limitations of amended claim 1, the rejection is improper and should be withdrawn.

Moreover, even if there were a teaching or suggestion to modify Batterman to arrive at the presently claimed invention, there would be no reasonable expectation of success. Batterman teaches an improved electrical plug for use in coaxial cables, which are not routinely assembled or disassembled. Once the cable transmission line is connected, there is no need to take it apart. Because there is no subsequent tampering with the transmission line, there is no concern that the line will loosen and potentially fail. The present invention is directed to a portable columnar structure that comprises a permanently secured bolt in combination with columnar couplers and a connection adaptor. This combination aids in the assembly and disassembly of the portable columnar structure without sacrificing its stability, thereby causing bending or wobbling, by preventing deformation at the junctions. One skilled in the art could not achieve this end result by using a removable screw in place of the permanent bolt. Therefore, because there would be no reasonable expectation of success from the proposed modification, the Examiner's rejection is improper and should be withdrawn.

Applicant respectfully submits that this application is in condition for allowance. Early and favorable action is earnestly solicited. If any additional fee is due, the amount of such fee may be charged to Deposit Account No. 50-1145.

Respectfully submitted,


Liza Montalvo
Registration No. 45,731

Attorney for Applicant

Pitney Hardin LLP
7 Times Square, 20th Floor
New York, New York 10036
(212) 297-5800